

**Supplemental
Notice of Allowability**

Application No.

10/815,613

Examiner

DANIEL A. HESS

Applicant(s)

SILVERBROOK ET AL.

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/13/2008 amendment by applicant and 12/16/2008 communication with applicant.
2. ☒ The allowed claim(s) is/are 1, 3-9, 11-29 and 31-43.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12/16/2008</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
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**SUPPLEMENTAL
DETAILED ACTION**

This action is responsive to applicant's amendment of 7/14/2008 as well as to a communication with the applicant on 12/16/2008.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kia Silverbrook on 12/16/2008.

The application has been amended as follows:

IN THE CLAIMS:

24. (Currently Amended) A method of facilitating interaction between a user and a computer system using a shopping receptacle adapted to receive and retain a product item, the user being provided with an identity card, the product item having an interface surface associated therewith, the identity card and interface surface each having disposed thereon or therein coded data including a plurality of coded data portions, each coded data portion of the identity card

being indicative of an identity of the user, and each coded data portion of the interface surface being indicative of the identity of the product item, wherein the method includes the steps of:

Deleted: or

receiving the product item ~~at the~~ identity card in an opening of a receptacle body of the shopping receptacle which is adapted to receive and retain the product item;

and in a sensing device:

(i) emitting at least one scanning beam across the opening of the receptacle body, the at least one scanning beam directed in first and second orthogonal directions to thereby generate a raster scan pattern;

Deleted: or identity card

(ii) sensing at least one coded data portion as the product item is positioned in the at least one scanning beam emitted across the receptacle opening;

(iii) generating, using the at least one sensed coded data portion, ~~first~~ indicating data indicative of the identity of the product item;

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(iv) sensing at least a card coded data portion when the identity card is positioned in the at least one scanning beam emitted across the opening;

(v) generating, using the sensed card coded data portion, second indicating data indicative of the identity of the user and the identity of the sensing device; and

(vi) transferring the first indicating data and the second indicating data to a computer system.

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Allowable Subject Matter

Claims 1, 3-9, 11-29 and 31-43 are allowed.

The prior art fails to teach or fairly suggest an system and method of a shopping system wherein a shopping receptacle is arranged to receive and retain a product item, the user having an identity card, wherein the product item has coded data encoded thereon indicative of the identity of the product item, the identity card has encoded data thereon indicative of the identity of the user, and a scanning device scanning across an opening of the shopping receptacle senses both coded data on a product item indicative of the product identity and coded data on the user's identity card indicative of the user's identity, such that the scanning device transfers both the product identity information and the user identity information with the identity of the sensing device to a computer system.

The examiner notes that claim 24 is presently amended to clearly recite that both product identity code on a product item and user identity code on an identity card are sensed by the scanning device scanning across an opening of the shopping receptacle, both of these data being sent to a computer system, where previously the claim recited these two data reads in the alternative.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL A. HESS whose telephone number is (571)272-2392. The examiner can normally be reached on 8:00 AM - 5:00 PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel A Hess/
Primary Examiner, Art Unit 2876
12/18/2008